



6. Respondent is aware that any violation of said Order constitutes unprofessional conduct pursuant to A.R.S. § 32-1854(26) and may result in disciplinary action pursuant to A.R.S. § 32-1855.

*James Miller* 18  
JAMES I. MILLER, D.O.

Reviewed and approved as to form by:

STEPHEN W. MYERS  
Attorney for Dr. Miller

1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.

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1           3.    The Board has reviewed Respondent's application  
2 for license and conducted interviews with Respondent during  
3 public Board meetings concerning the Respondent's prior  
4 professional history as a licensee of the Board and all other  
5 relevant issues concerning his qualifications to obtain a Board  
6 license. The Board has arrived at its findings of fact based  
7 upon all of the information provided to the Board and made a  
8 part of the administrative record.

9           4.    On November 29, 1995, during its public meeting,  
10 with Respondent present, the Board authorized preparation of a  
11 stipulated order granting Respondent a license to practice as an  
12 osteopathic physician in the State of Arizona; but, said license  
13 shall be placed on probation and subject to specific  
14 restrictions that are set forth more specifically hereafter.

15                               CONCLUSIONS OF LAW

16           1.    The Arizona Board of Osteopathic Examiners in  
17 Medicine and Surgery possesses jurisdiction over the subject  
18 matter hereof and over the application for license submitted by  
19 James I. Miller, D.O., pursuant to A.R.S. § 32-1801, et. seq.

20           2.    The Board has authority to enter a final order and  
21 to enter into an agreement for the stipulated disposition of  
22 this matter pursuant to A.R.S. § 32-1822(D).

23                               ORDER

24           The Board voted to accept the stipulated disposition of  
25 this matter on November 29, 1995; and, therefore, IT IS HEREBY  
26 ORDERED THAT:

1           1.    JAMES I. MILLER, D.O. (Respondent) shall be issued  
2   a Board license and placed on probation pursuant conditions  
3   described hereafter. Respondent's practice of osteopathic  
4   medicine in the State of Arizona shall be restricted also as  
5   described more specifically hereafter.

6           2.    The duration of probation and restriction on  
7   practice shall continue for three (3) years from the effective  
8   date of this Order; and, thereafter, Respondent may petition the  
9   Board by letter for termination or modification of the terms of  
10  probation and restriction of practice.

11          3.    Respondent expressly agrees to waive  
12  confidentiality concerning all information and reports received  
13  or retained by the Health Services Advisory Group, Inc. (or any  
14  successor entity or individual); and, therefore it is hereby  
15  ordered that all records concerning Respondent in the possession  
16  of the Health Services Advisory Group, Inc., ("HSAG"), including  
17  medical skill assessments, psychological and medical reports  
18  concerning Respondent, shall be made available to the Board upon  
19  request by the Board's executive director.

20          4.    While on probation, Respondent shall remain in  
21  compliance with those conditions imposed by HSAF concerning his  
22  medical practice activity and performance requirements.

23          5.    All expenses associated with Respondent  
24  participating in any medical education and training program,  
25  that is required by the Board, shall be his responsibility.

26

1           6.   Respondent shall, during each of the five (5)  
2 calendar years (commencing with the effective date of this Order  
3 and including 1994), include the following described activity as  
4 part of his annual continuing medical education ("CME") and as a  
5 condition of probation.

6           (A) Respondent shall attend and participate  
7 completely in the educational programs presented at the  
8 Southwestern Surgical Association Annual meeting; and, he shall  
9 participate in and complete at least one general surgery review  
10 course yearly, such as and comparable to the review course for  
11 the Board examinations of the American College of Surgeons at  
12 the aforementioned organization's annual meeting; and,

13           (B) Respondent shall annually enroll in and  
14 complete the American College of Surgeons Surgical Education and  
15 Self-Assessment program; and,

16           (C) Respondent shall maintain documentary proof  
17 of compliance with the aforementioned continuing medical  
18 education requirements throughout the entire period of  
19 probation; and, he shall submit copies of documents establishing  
20 attendance at CME and a signed statement avowing completion of  
21 courses and mailed by certified mail to the Board's office  
22 (attention of the executive director) by December 31 of each  
23 calendar year.

24           7.   If Respondent wants to perform vascular surgery,  
25 he shall attend a minimum of twenty (20) hours of CME directly  
26

1 related to the subject of vascular surgery procedures and  
2 diagnosis related thereto prior to January 1, 1995; and,

3 8. Respondent shall at all times implement the  
4 following procedures for maintaining complete office and patient  
5 records that follow the "SOAP" format, i.e., sections that  
6 document subjective complaints, objective findings and  
7 assessment that includes a differential diagnosis and a plan for  
8 further care or steps in a work-up.

9 9. During the first three years of probation,  
10 Respondent will be subject to review of all aspects of his  
11 medical practice. Said review shall primarily be in the area of  
12 surgical practices and procedures and maintenance of patient  
13 records. The Board designates its staff physician, Thomas P.  
14 Kalos, D.O., the reviewing physician, who shall undertake this  
15 review as the Board's designated representative and in the  
16 following manner.

17 (A) Review of at least ten (10) patient records  
18 selected at the reviewing physician's discretion which shall be  
19 conducted every 120 days, commencing on the first of the month  
20 after the effective date of this Order. The review of patient  
21 records should focus on Respondent's pre-operative assessments,  
22 intraoperative dictations and hospital records to assess daily  
23 care and order writing. Respondent shall fully cooperate with  
24 the reviewing physician and provide copies of patient records  
25 and any related information.

1 (B) The reviewing physician shall prepare a  
2 written report for the Board and a copy to Respondent reflecting  
3 any relevant findings or opinions concerning Respondent's  
4 medical practice activity and compliance with this Order.

5 (C) In the event that the reviewing physician's  
6 report discloses deficiencies in Respondent's medical knowledge  
7 or proficiency, the Board may order, at its discretion and  
8 without expressly making any finding of unprofessional conduct,  
9 the completion of an additional twenty-five hours of CME per  
10 year during the period of probation. This provision shall not  
11 limit the Board in taking other disciplinary action in the event  
12 that it has cause to invoke its statutory authority.

13 10. As a further term of probation, Respondent shall  
14 appear before the Board, to discuss and respond to any questions  
15 concerning his medical practice upon receipt of reasonable  
16 notice (i.e., a minimum of three business days) requesting his  
17 appearance. Respondent's request for a continuance, when  
18 supported by good cause, (e.g., attendance at CME seminars and  
19 illness) may be granted by the Board.

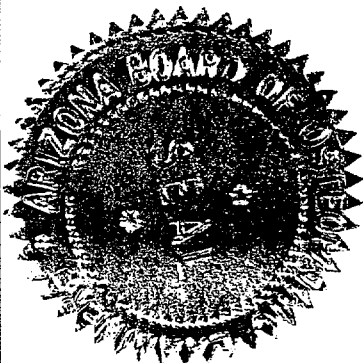
20 11. Respondent shall, as a condition of probation,  
21 fully comply with the statutes and rules governing the practice  
22 of osteopathic medicine.

23 12. Failure to comply with the terms of probation and  
24 restriction of practice shall be cause for filing a formal Board  
25 Complaint and Notice of Hearing pursuant to A.R.S. § 32-1855(F);  
26 and, said failure to comply with the Board's terms of probation

1 and restriction of practice shall constitute conduct by  
2 Respondent which does or might constitute a danger to the  
3 health, welfare and safety of his patients or the public in  
4 violation of A.R.S. § 32-1854(19).

5 DATED and effective this 14th day of December, 1995.

6 ARIZONA STATE BOARD OF OSTEOPATHIC  
7 EXAMINERS IN MEDICINE AND SURGERY



8  
9 By: Ann Marie Berger  
10 Ann Marie Berger  
11 Executive Director  
12 141 E. Palm Lane, Suite 205  
13 Phoenix, Arizona 85004

14 Copy of the foregoing Agreement for  
15 Entry of Board Order mailed by  
16 Certified Mail this \_\_\_\_\_ day of \_\_\_\_\_  
17 \_\_\_\_\_, 199\_\_\_\_, to: hand delivered  
18 12/14/95

19 James I. Miller, D.O.  
20 6707 N. 19th Avenue, #205  
21 Phoenix, AZ 85015

22 Stephen W. Myers  
23 Attorney at Law  
24 Two N. Central, #1200  
25 Phoenix, AZ 85004-2305

26 Copy mailed to the Board's Counsel,  
Michael N. Harrison  
Assistant Attorney General

Monique (Harrison)  
3213A(87-94)yaf  
LES95-0479